

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**SCHWARTZ T.P. INC.,**

**Plaintiff,**

**v.**

**CHRISTOPHER A. MCCARTHY,**

**Defendant.**

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**Civil No. 14-1014**

**ORDER**

On April 30, 2015, this Court orally denied Plaintiff's Motion for Summary Judgment; this Order formalizes that oral Order.

AND NOW, this 6<sup>th</sup> day of July, 2015, it is hereby ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion for Preliminary Injunction is DENIED.

It is further hereby ORDERED, ADJUDGED, and DECREED that:

1. The parties shall complete fact discovery on or before **October 5, 2015**. All interrogatories, depositions, requests for admissions and requests for production shall be served with sufficient time to allow responses to be completed prior to the close of discovery.

2. Procedures Following Inadvertent Disclosure ("Clawback"): Pursuant to Local Rule LCvR 16.1(D), and to aid in the implementation of Fed. R. Evid. 502, the following is ordered in the event of an inadvertent disclosure of any privileged or trial preparation/attorney work product material:

- (a) The producing party shall promptly notify all receiving parties of the inadvertent production of any privileged or trial preparation material. Any receiving party who has reasonable cause to believe that it has received privileged or trial preparation material shall promptly notify the producing party.

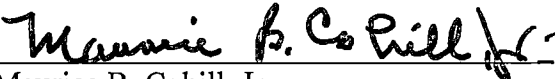
- (b) Upon receiving notice of inadvertent production, any receiving party shall immediately retrieve all copies of the inadvertently disclosed material and sequester such material pending a resolution of the producing party's claim either by the Court or by agreement of the parties.
- (c) If the parties cannot agree as to the claim of privilege, the producing party shall move the Court for a resolution within 30 days of the notice set forth in subparagraph (a). Nothing herein shall be construed to prevent a receiving party from moving the court for a resolution, but such motion must be made within the 30-day period.

3. A post-discovery Status Conference shall be held on **October 27, 2015** at 11:00 a.m. in Judge Cohill's chambers. At this conference, the Court will address the possibility of settlement and hearing/trial dates.

4. Prior to and in preparation for the Conference, counsel shall comply with the following:

- a. Chief trial counsel and all parties shall attend in person and be prepared to discuss settlement options in detail.
- b. Necessary representative(s) of any insurance carrier shall be physically present or available by phone.
- c. No later than **October 22, 2015**, both parties shall submit confidential statements to the Court detailing the key facts, key legal issues, and settlement positions, including monetary amounts. The statements will not be filed or shared with opposing counsel. Accordingly, candor is expected. The letters may be faxed to Chambers at 412-208-7387 or emailed to Barbara Marzina, Judge Cohill's law clerk, at [Barbara\\_Marzina@pawd.uscourts.gov](mailto:Barbara_Marzina@pawd.uscourts.gov).

5. Counsel should be familiar with this Court's Practices and Procedures available at  
[http://www.pawd.uscourts.gov/Documents/Judge/cohill\\_pp.pdf](http://www.pawd.uscourts.gov/Documents/Judge/cohill_pp.pdf).

  
Maurice B. Cohill, Jr.  
Senior United States District Court Judge